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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,060	02/11/2002	Ananthanarayanan Chockalingam	QCPA619C	9307

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EXAMINER	
TRAN, PHUC H	
ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,060	CHOCKALINGAM ET AL.	
	Examiner	Art Unit	
	PHUC H. TRAN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/11/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-24 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6381225. Although the conflicting claims are not identical, they are not patentably distinct from each other because of following:

- For claims 1, 12, 21, and 23, the claims 1, 9 and 15 of the Patent discloses a communication station for acquiring an access probe signal transmitted by a beam source corresponding to a range of frequency and timing uncertainty of the access probe signal arrival, the communication station comprising (see claim 1, lines 1-3; claim 9, lines 1-4; claim 15, lines 1-4 of the Patent): a plurality of receiver means, each receiver means searching for the access probe signal within an assigned search space to resolve the frequency and timing uncertainty

(e.g. claim 1, lines 8-9; claim 10, lines 3-4 and claim 16, lines 3-5 of the Patent); and means for assigning a search space to the plurality of receiver means, each search space corresponding to one of the plurality of beams from the beam source and each beam corresponding to a reduced range of frequency and timing uncertainty of the access probe signal arrival (see claim 9; lines 7-10; claim 15, lines 8-11 of the Patent). The Applicant's claims 1, 12, 21, and 23 merely broaden the scope of the Patent No. 6381225 by eliminating the terms "defining a arrival time" and "demodulating a message portion of the signal based on a frequency increment and timing offset obtained as a result of resolving said timing and frequency uncertainty." It has been held that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re karlson, 136 USPQ 184 (CCPA). Also note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969);

- For claims 2-10, 13-19, and 24, the claims 2-8, 11-14 and 16-19 of the Patent discloses wherein the access probe signal is from a user terminal and is relayed by the satellite to the communication station, and wherein the time uncertainty corresponding to each beam is defined by maximum and minimum distances between the user terminal and the satellite within a coverage region of each beam (see claim 2, lines 1-4 of the Patent);

wherein each receiver means comprises: means for performing a coarse search to resolve the frequency uncertainty of the access probe signal; and means for performing a fine search to resolve the timing uncertainty of the access probe signal (see claim 3, lines 1-7, claim 10, lines 1-6 and claim 16, lines 1-7 of the Patent);

wherein the access probe signal comprises a preamble and a message portion (see claim 4, lines 1-2; claim 11, lines 1-3; claim 17, lines 1-3 of the Patent);

wherein the performing coarse search comprises means for performing, a search in frequency over the assigned search space (see claim 8, lines 1-3; claim 13 and 14 of the Patent).

- The claims 2-8, 11-14 and 16-19 of the Patent disclose all the subject matter of the claimed invention with the exception disclosing claims 11 and 20. However in the communication station, the Patent teaches the stages of the preamble portion and the range of frequencies and range of arrival times (in claim 6 and 8 of the Patent). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to know the method claims of the Patent for the purpose of determining and demodulating the message portion in a communication station.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Johnson, Jr. et al. (U.S. Patent No. 5907813) discloses signal acquisition in a wireless communication system by transmitting repeated access probes from a terminal to a hub.

- Miller et al. (U.S. Patent No. 6167056) discloses access channel slot sharing.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuc Tran
Assistant Examiner
Art Unit 2616

P.t
6/10/06

CHI PHAM
SUPERVISORY PATENT EXAMINER 6/22/06